38. Enhancement of Vakils' fees.

Mr. K. Velayudhan Pillai (Member, Municipal Council, Parur) pointed out that towards the year 1040 the need for duly qualified vakils was felt and an examination was held for the first time for the selection of vakils. Regulation I of 1040 was passed prescribing the necessary qualifications for a vakil, the remuneration to be paid to him, etc. Section 4 of the Regulation empowered the vakil to fix his own fees privately with respect to his engagement and Sections 25 to 29 dealt with the remuneration he could claim in various cases when there were no private agreements. The Vakils' Regulation now in force was Regulation III of 1075, as amended by Regulation I of 1085, which was practically the same as Regulation I of 1040. The Member pointed out that it was high time that the rules passed under that Regulation were modified. He, therefore, represented that the rules fixing the remuneration to vakils required alteration in the light of those obtaining in British India and Cochin and suggested that the rules framed under Sections 15 and 18 of Regulation III of 1075 be amended so as to allow (1) 5 per cent in all suits up to Rs. 5,000 as in British India, (2) $2\frac{1}{2}$ per cent in execution cases, (3) Rs. 10, 12 or 15 as vakils' fees in miscellaneous cases and appeals in respect of them, and (4) the charging of the opposite party with the fees agreed to in writing at particular rates. He also suggested that vakils should be given the liberty of fixing their own fees in writing with their clients without interference from courts.

Dewan's reply.—The subject you have dealt with is pre-eminently one in which the High Court have to be consulted. I shall refer your representation to them. One thing that strikes me is that, if any rules are to be amended, the High Court can do so themselves. In regard to legislation, that is a matter in which a private Bill could be introduced in the Legislative Council. However, I shall refer that point also to the High Court for remarks.

The Assembly adjourned at 5-30 P. M.

LIBRARY ARCHIVES Kerala Legislative Assembly